

DETAILED ACTION

Response to Amendment

The amendment filed 28 July 2008 has been entered. Claims 1, 4-9, and 11-14 are pending. Claims 1, 6, and 8 are currently amended. Claims 2-3 and 10 are cancelled. No claims are new. This action is FINAL.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method of claim 1, specifically step 5, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The amendment to the specification filed 28 July 2008 has been entered.

The amendment to the specification filed 28 September 2007 contained new matter in the description of step 5 of Fig. 1. Applicant has not cancelled the new matter, and is therefore required to do so in response to this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al., U.S. Pat. 5,835,087, in view of Wong U.S. 2003/0046149.

1. Herz teaches “*A method for influencing market decisions of people in the market, the method comprising the steps of*,” see col. 4, lines 37-48, “which system enables a user to access target objects of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy.”

Herz teaches “*creating a universe of N attributes $V_i = [v_1, v_2, \dots, v_N]$ to be shown or exposed to a person j , wherein the attributes are associated with products or services,*” see col.

4, lines 49-66, “(b.) a digitally represented profile indicating that target object’s attributes is termed a ‘target profile.’”

Herz teaches “*showing said attributes V_i to said person j and calculating at least one of importance, weight or sensibility each of said attributes V_i has on said person j for predicting future market decisions of said person j , and expressing the corresponding results of said calculation as $W_{ij} = [w_{1j}, w_{2j}, \dots, w_{Nj}]$,” see Fig. 12 and col. 18, l. 37 – col. 19, l. 30, “The computation process begins at step 1201, where certain designated numeric attributes of target object X are specifically selected, which attributes by their very nature should be positively or negatively correlated with users’ interest. Such attributes, termed ‘quality attributes,’ have the normative property that the higher (or in some cases lower) their value, the more interesting a user is expected to find them.”*

Herz teaches “*wherein the method further comprises at least the steps of: creating a database $A = [a_{ij}]$ including, for said person j , said universe of attributes V_i ordered by their calculated weight w_{ij} ,” see Fig. 12 and col. 18, l. 37 – col. 19, l. 30, “At step 1202, each of the selected attributes is multiplied by a positive or negative weight indicative of the strength of user U’s preference for those target objects that have high values for this attribute, which weight must be retrieved from a data file storing quality attribute weights for the selected user.”*

Herz teaches “*creating a database $P = [p_{ij}]$ including, for said person j , said universe of attributes V_i ordered by a corresponding... interest level $Z_i = [z_1, z_2, \dots, z_N]$,” see Fig. 12 and col. 18, l. 37 – col. 19, l. 30, “The more difficult part of determining user U’s interest in target object X is to find or compute at step 1205 the value of $f(U, X)$, which denotes the topical interest that users like U generally have in target objects like X.” Herz teaches determining a subjective*

interest level, but does not teach “*said universe of attributes V_i ordered by a corresponding objective interest level $Z_i = [z_1, z_2, \dots, z_N]$, wherein said objective interest level is determined by a vendor who offers the products or services.*” Wong does, however, see Fig. 1 and par. 25, “The procedure then proceeds to block 13, where the procedure defines an interest level I. The interest level can be defined by the advertiser.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Wong’s teachings would have allowed Herz’s method to gain a means for presenting advertisements that are interesting to an audience of Internet users, see par. 4.

Herz teaches “*consulting said database A, consulting said database P, selecting from databases A and P attributes v_i whose importance, weight or sensibility w_{ij} , for said person j, are higher than a specific value, and whose objective interest level z_i are higher than another specific value, and showing an advertisement only for products or services having those selected attributes to said person j,*” see col. 6, lines 34-60, “The system further includes a profile processing module which estimates each user’s interest in various target objects by reference to the users’ target profile interest summaries, for example by comparing the target profiles of these target objects against the search profiles in users’ search profile sets, and generates for each user a customized rank-ordered listing of target objects most likely to be of interest to that user” and col. 4, lines 49-66, “(g.) a specific embodiment of the target profile interest summary which comprises a set of search profiles is termed the ‘search profile set’ of a user” which means that the “search profile set” is the set of weighted attributes in which the user is interested.

4. Herz teaches “*The method of claim 1, wherein said steps of consulting said database A, selecting said attributes and showing said selected attributes v_i , are done for a group of people*

instead of only one person j,” see col. 6, lines 1-33, “the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users’ interests and the target objects’ characteristics.”

5. Herz teaches “*The method of claim 1, wherein said steps of consulting said databases A and P, selecting said attributes and showing said selected attributes v_i , are done for a group of people instead of only one person j,”* see col. 6, lines 1-33, “the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users’ interests and the target objects’ characteristics.”

6. Herz teaches “*The method of claim 1, wherein said databases A and P include said attributes v_i and their corresponding weight w_{ih} , related to every person, by using tuples, wherein $[a_{ij}] = \langle v_i, w_{ij} \rangle$ of tuples <attribute, weight> and $[p_{ij}] = \langle v_i, z_i \rangle$ of tuples <attribute, interest>,”* see col. 10, lines 21-56, “perhaps the user has shown a past interest in films whose review text (attribute h) contains words like ‘chase,’ ‘explosion,’ ‘explosions,’ ‘hero,’ ‘gripping,’ and ‘superb.’ This generalization is again useful in identifying new films of interest” which shows a direct relation between attributes and their weights, and e.g. col. 9, line 61 to col. 10, line 7, “where the system for customized electronic identification of desirable objects is activated to identify movies of interest, the system is likely be concerned with the values of attributes such as these: (a.) title of movie” which shows a direct relation between attributes and user interests.

7. Herz teaches “*The method of claim 1, wherein said consulting of said database A is done automatically,”* see col. 5, lines 7-20, “the present invention automatically constructs... a

'target profile interest summary' for each user, which target profile interest summary describes the user's interest level in various types of target objects" which requires automatic access to the user's "search profiles."

8. Herz teaches "*The method of claim 1, wherein said consulting of said database A and consulting said database P are done automatically,*" see col. 5, lines 7-20, "the present invention automatically constructs... a 'target profile interest summary' for each user, which target profile interest summary describes the user's interest level in various types of target objects."

9. Herz teaches "*The method of claim 1, wherein at least one of said attributes v_i includes at least two others of said attributes v_i ,*" see col. 6, lines 1-33, "Attributes may include, but are not limited to, the following: ... (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document)."

11. Herz teaches "*The method of claim 1, wherein said attributes v_i refer to different articles,*" see col. 6, lines 1-33, "Attributes may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement)."

12. Herz teaches "*The method of claim 1, wherein said attributes v_i are different characteristics of an article,*" see col. 6, lines 1-33, "Attributes may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement), (2) short pieces of text (name of a movie's director, name of town from which an advertisement was placed, name of the language in which an article was written), (3) numeric measurements (price of a product, rating given to a movie, reading level of a book), (4) associations with other types of objects (list of actors in a movie, list of persons who

have read a document)) where e.g. “a movie review”, the “name of a movie’s director”, and the “list of actors in a movie” are all characteristics of an article, in this case, a movie.

13. Herz teaches “*The method of claim 9, wherein said weight w_{ij} of said attributes v_i is a number which reflects at least one of (i) the quantity of a specific article and (ii) articles with a specific characteristic, likely to be acquired,*” see col. 11, line 66 to col. 12, line 46, “a target object’s popularity (or circulation) can be usefully measured as a numeric attribute specifying the number of users who have retrieved that object” where the “target object” is the “article” and its “popularity” is its “weight”. See also, e.g. col. 12, line 48 to col. 13, line 5, “a textual attribute, such as the full text of a movie review, can be replaced by a collection of numeric attributes that represent scores to denote the presence and significance of the words ‘aardvark,’ ‘aback,’ ‘abacus,’ and so on through ‘zymurgy’ in that text. The score of a word in a text may be defined in numerous ways. The simplest definition is that the score is the rate of the word in the text” where the words in the text are the “articles” and the “rate” at which they appear is their “weight.”

14. Herz teaches “*The method of claim 11, wherein said weight w_{ij} of said attributes v_i is a number which reflects at least one of (i) the quantity of a specific article and (ii) articles with a specific characteristic, likely to be acquired,*” see col. 11, line 66 to col. 12, line 46, “a target object’s popularity (or circulation) can be usefully measured as a numeric attribute specifying the number of users who have retrieved that object” where the “target object” is the “article” and its “popularity” is its “weight”. See also, e.g. col. 12, line 48 to col. 13, line 5, “a textual attribute, such as the full text of a movie review, can be replaced by a collection of numeric attributes that represent scores to denote the presence and significance of the words ‘aardvark,’ ‘aback,’

'abacus,' and so on through 'zymurgy' in that text. The score of a word in a text may be defined in numerous ways. The simplest definition is that the score is the rate of the word in the text" where the words in the text are the "articles" and the "rate" at which they appear is their "weight."

Response to Arguments

As per Applicant's argument that Wong does not teach "*said universe of attributes V_i ordered by a corresponding objective interest level $Z_i = [z_1, z_2, \dots, z_N]$, wherein said objective interest level is determined by a vendor who offers the products or services,*" the Examiner respectfully disagrees. Specifically, the Examiner cited Fig. 1 and par. 25, "The procedure then proceeds to block 13, where the procedure defines an interest level I. The interest level can be defined by the advertiser."

Applicant argues that the referenced interest level is determined based on the actions of the target audience rather than the vendor. This is incorrect. Wong par. 12 states "a method for an advertiser to present the Internet banner advertisements to only those target audience, whose interesting level to these advertisements has reached the interesting level pre-defined by the advertiser" and par. 25 states, "The procedure then proceeds to block 13, where the procedure defines an interest level I. The interest level can be defined by the advertiser, or automatically based on the experience with the target audience. The interest level can be defined by the length of time that the target audience has spent on this category of Internet pages and the frequency the target audience has viewed this category of Internet pages, or other factors defined by the advertiser." In Wong, the advertiser can define the interest level or it can be defined

automatically by user experience. Since the advertiser predefines the interest level, it is clearly an objective interest level.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The examiner can normally be reached on M-F 9:00a-4:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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